

## REMARKS/ARGUMENTS

In the Office Action of April 20, 2009, claims 1-11 are rejected. Additionally, the drawings are objected to. In response, claim 4 has been canceled, claims 1 and 5-11 have been amended and new claims 12-20 have been added. Applicant hereby requests reconsideration of the application in view of the claim amendments, the new claims and the below-provided remarks.

### Objections to the Drawings

The drawings are objected to as allegedly lacking descriptive labels. The current application is a U.S. National Stage application. The labeling of figures with text matter is prohibited under PCT Rule 11.11, except when absolutely indispensable for understanding. Further, MPEP 1893.03(f) states that “[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11).” In the present application, Applicant submits that the addition of text labels to the drawings is not “absolutely indispensable” because the individual drawing elements are identified and described in the specification. Thus, Applicant respectfully asserts that additional text labeling is not required in the drawings of the current application.

### Claim Rejection under 35 U.S.C. 112, second paragraph

Claim 5-11 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action states that the specification does not define the structures for “means for” limitations of claims 5-11. In response, Applicant respectfully submits that the specification, for example Fig. 1 and page 4, lines 10-31, defines the structures for “means for” limitations of claims 5-11.

In addition, Applicant notes that claim 5 has been amended to replace the phrase “means for selecting” with the phrase “*a processor configured to select*” and to replace the phrase “means for downloading” with the phrase “*a communication unit configured to download.*” Additionally, Applicant notes that claims 6-11 have been amended in a similar fashion to claim 5.

In view of the remark and the amendments to claims 5-11, Applicant respectfully requests that the rejection to claims 5-11 under 35 U.S.C. 112, second paragraph be withdrawn.

Claim Rejections under 35 U.S.C. 101

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. In response, claim 4 has been canceled and claim 1 has been amended to recite in part “*a step of downloading, from said server to said client device, the file that contains the selected slice and belongs to the selected group using a communication unit of the client device*” (emphasis added). Support for the amendment to claim 1 is found in Applicant’s specification at, for example, Fig. 1 and page 4, lines 10-31. Applicant respectfully submits that claim 1 is directed to statutory subject matter because claim 1 recites a process tied to another statutory class, in particular, a communication unit. Thus, Applicant respectfully requests that the rejection to claim 1 under 35 U.S.C. 101 be withdrawn. Dependent claims 2 and 3 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicant respectfully requests that the rejections to claims 2 and 3 under 35 U.S.C. 101 be withdrawn.

As described above, claim 5 has been amended to replace the phrase “means for selecting” with the phrase “*a processor configured to select*” and to replace the phrase “means for downloading” with the phrase “*a communication unit configured to download.*” Thus, Applicant respectfully submits that claim 5 is directed to statutory subject matter, in particular, a server that includes a processor and a communication unit. As a result, Applicant respectfully requests that the rejection to claim 5 under 35 U.S.C. 101 be withdrawn. Dependent claims 6 and 7 depend from and incorporate all of the limitations of independent claim 5. Thus, Applicant respectfully requests that the rejections to claims 6 and 7 under 35 U.S.C. 101 be withdrawn.

Claim 8 has been amended in a similar fashion to claim 5. Thus, Applicant respectfully submits that claim 8 is directed to statutory subject matter, in particular, a client device that includes a processor and a communication unit. As a result, Applicant respectfully requests that the rejection to claim 8 under 35 U.S.C. 101 be withdrawn.

Dependent claims 9 and 10 depend from and incorporate all of the limitations of independent claim 8. Thus, Applicant respectfully requests that the rejections to claims 9 and 10 under 35 U.S.C. 101 be withdrawn.

Applicant notes that claims 1, 4, 5, 8 and 11 have been further amended to correct informalities.

#### Claim Rejections under 35 U.S.C. 102

Claims 1-11 are rejected under 35 U.S.C. 102(b) as allegedly anticipated by Kalra et al. (U.S. Pat. No. 6,490,627, hereinafter “Kalra”). However, Applicant respectfully submits that the pending claims are patentable over the cited references for the reasons provided below.

#### Independent Claim 1

As described above, claim 1 has been amended to overcome claim rejection under 35 U.S.C. 101 and to correct informalities. As amended, Applicant respectfully asserts that Kalra fails to disclose all of the limitations of claim 1. In particular, Applicant respectfully asserts that Kalra fails to disclose “*said groups being obtained by slicing said encoded multimedia contents in at least one set of slicing positions forming slices that can be decoded independently of each other*” (emphasis added), as recited in claim 1. Thus, Applicant respectfully asserts that claim 1 is not anticipated by Kalra.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Kalra discloses that information corresponding to slices of a base adaptive stream and additive adaptive streams are stored in a memory of an adaptive server. (See Fig. 7B and column 6, lines 37-53). Kalra further discloses that the information corresponding to a second slice is stored in the memory of the adaptive server after the information corresponding to the first slice is stored in the memory of the adaptive server. That is, Kalra discloses that the information corresponding to the slices of the base adaptive stream and additive adaptive streams are sequentially stored in the memory of the

adaptive server. However, Applicant respectfully asserts that Kalra fails to disclose that the first slice and the second slice can be “*decoded independently of each other*,” as recited in claim 1. Thus, Applicant respectfully asserts that Kalra fails to disclose “*said groups being obtained by slicing said encoded multimedia contents in at least one set of slicing positions forming slices that can be decoded independently of each other*” (emphasis added), as recited in claim 1.

Thus, Applicant respectfully asserts that Kalra fails to disclose all of the limitations of claim 1. As a result, Applicant respectfully asserts that claim 1 is not anticipated by Kalra.

#### Dependent Claims 2 and 3

Claims 2 and 3 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicant respectfully asserts that claims 2 and 3 are allowable at least based on an allowable claim 1.

#### Independent Claim 5

Claim 5 has been amended in a similar fashion to claim 1. Support for the amendment to claim 5 is found in Applicant’s specification at, for example, Fig. 5 and page 10, lines 11-31. Because of the similarities between claim 1 and claim 5, Applicant respectfully asserts that the remarks provided above with regard to claim 1 apply also to claim 5. Accordingly, Applicant respectfully asserts that claim 5 is not anticipated by Kalra.

#### Dependent Claims 6 and 7

Claims 6 and 7 depend from and incorporate all of the limitations of independent claim 5. Thus, Applicant respectfully asserts that claims 6 and 7 are allowable at least based on an allowable claim 5.

#### Independent Claim 8

Claim 8 includes a similar limitation to claim 1. Because of the similarity between claim 1 and claim 8, Applicant respectfully asserts that some remarks provided

above with regard to claim 1 apply also to claim 8. Accordingly, Applicant respectfully asserts that claim 8 is not anticipated by Kalra.

#### Dependent Claims 9 and 10

Claims 9 and 10 depend from and incorporate all of the limitations of independent claim 8. Thus, Applicant respectfully asserts that claims 9 and 10 are allowable at least based on an allowable claim 8.

#### Independent Claim 11

Claim 11 has been amended in a similar fashion to claim 1. Support for the amendment to claim 11 is found in Applicant's specification at, for example, Fig. 5 and page 10, lines 11-31. Because of the similarities between claim 1 and claim 11, Applicant respectfully asserts that the remarks provided above with regard to claim 1 apply also to claim 11. Accordingly, Applicant respectfully asserts that claim 11 is not anticipated by Kalra.

#### New Claims 12-20

Claim 12-20 have been added. Support for the new claims 12-20 is found in Applicant's specification at, for example, original claims 1, 5 and 11, Fig. 5 and page 10, lines 11-31. Claims 12-14, 15-17 and 18-20 depend from and incorporate all of the limitations of independent claims 1, 5 and 11, respectively. Thus, Applicant respectfully asserts that claims 12-14, 15-17 and 18-20 are allowable at least based on allowable claims 1, 5 and 11, respectively. Additionally, Applicant respectfully asserts that claims 12-20 may be allowable for further reasons, as described below.

#### Claim 12

Applicant respectfully asserts that Kalra fails to disclose that "*the step of selecting a slice comprises selecting a most recent slice or a closest future slice to ensure continuity in transmitted multimedia content*" (emphasis added), as recited in claim 12. As described above, Kalra discloses that information corresponding to slices of a base adaptive stream and additive adaptive streams are stored in a memory of an adaptive

server. However, Applicant respectfully asserts that Kalra fails to disclose selecting a most recent slice or a closest future slice from the slices stored in the memory of the adaptive server. Thus, Applicant respectfully asserts that Kalra fails to disclose the above-identified limitation of claim 12. As a result, Applicant respectfully asserts that claim 12 is not anticipated by Kalra.

#### Claim 13

Applicant respectfully asserts that Kalra fails to disclose that “*selecting the most recent slice or the closest future slice comprises: comparing the time of arrival of the request of said client device with slicing positions of a single set of slices; and determining the most recent slice and/or the closest future slice from the single set of slices based on the comparing*” (emphasis added), as recited in claim 13. As described above, Kalra discloses that information corresponding to slices of a base adaptive stream and additive adaptive streams are stored in a memory of an adaptive server. However, Applicant respectfully asserts that Kalra fails to disclose comparing the time of arrival of a request for media content with slicing positions of a single set of slices stored in the memory of the adaptive server. Thus, Applicant respectfully asserts that Kalra fails to disclose the above-identified limitation of claim 13. As a result, Applicant respectfully asserts that claim 13 is not anticipated by Kalra.

#### Claim 14

Applicant respectfully asserts that Kalra fails to disclose that “*selecting the most recent slice or the closest future slice comprises: comparing the time of arrival of the request of said client device with slicing positions of more than one set of slices; and determining the most recent slice and/or the closest future slice from the more than one set of slices based on the comparing*” (emphasis added), as recited in claim 14. As described above, Kalra discloses that information corresponding to slices of a base adaptive stream and additive adaptive streams are stored in a memory of an adaptive server. However, Applicant respectfully asserts that Kalra fails to disclose comparing the time of arrival of a request for media content with slicing positions of more than one sets of slices stored in the memory of the adaptive server. Thus, Applicant respectfully

asserts that Kalra fails to disclose the above-identified limitation of claim 14. As a result, Applicant respectfully asserts that claim 14 is not anticipated by Kalra.

Claims 15 and 18

Claims 15 and 18 include similar limitations to claim 12. Because of the similarity between claim 12 and claims 15 and 18, Applicant respectfully asserts that some remarks provided above with regard to claim 12 apply also to claims 15 and 18. Accordingly, Applicant respectfully asserts that claims 15 and 18 are not anticipated by Kalra.

Claims 16 and 19

Claims 16 and 19 include similar limitations to claim 13. Because of the similarity between claim 13 and claims 16 and 19, Applicant respectfully asserts that some remarks provided above with regard to claim 13 apply also to claims 16 and 19. Accordingly, Applicant respectfully asserts that claims 16 and 19 are not anticipated by Kalra.

Claims 17 and 20

Claims 17 and 20 include similar limitations to claim 14. Because of the similarity between claim 14 and claims 17 and 20, Applicant respectfully asserts that some remarks provided above with regard to claim 14 apply also to claims 17 and 20. Accordingly, Applicant respectfully asserts that claims 17 and 20 are not anticipated by Kalra.

## **CONCLUSION**

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Philippe Gentric

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By: /thomas h. ham/  
Thomas H. Ham  
Reg. No. 43,654

Wilson & Ham  
PMB: 348  
2530 Berryessa Road  
San Jose, CA 95132  
Phone: (925) 249-1300  
Fax: (925) 249-0111